affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency

determination:

T	ataral E	wtent of Inviediation (D.C. as one			FILE	NUMBER: 2397
	alerai E	xtent of Jurisdiction: (Reference: 33 CFR pa				
	Uran	nary High Water Mark indicated by:		High	Tide Line indicated by:	
		clear, natural line impressed on the bank		П	oil or scum line along shore ob	iects
		the presence of litter and debris		Ħ	fine shell or debris deposits (for	
		changes in the character of soil		H	The shell of debtis deposits (10)	esnore)
	\sqcap	destruction of terrestrial vegetation		님	physical markings/characteristi	¢s
				\sqcup	tidal gages	
		shelving		Ш	other:	
	Ш	other:				

	Mean	High Water Mark indicated by:				
	∐ su	rvey to available datum; 🔲 physical marking	s: Negeta	tion l	lines/changes in vegetation types	,
			1			
	Wetla	nd boundaries, as shown on the attached wetl	and delineati	on m	an and/or in a delineation renort	
				011 111	ap and/or in a defineation report	prepared by:
Ba	asis For	Not Asserting Jurisdiction:				
	The re	viewed area consists entirely of uplands.				
	Unahi	to confirm the manual of uplands.				
	Tiand	e to confirm the presence of waters in 33 CFR	part 328(a)(1, 2,	or 4-7).	
		uarters declined to approve jurisdiction on the	basis of 33	CFR	part 328.3(a)(3).	
l l	I THE C	orps has made a case-specific determination t	hat the follow	ving v	waters present on the site are not	Waters of the
	Unite	dates.	1			
	Ш	Waste treatment systems, including treatment	t ponds or la	เฮดดท	s nursuant to 33 CEP part 229 3	ļ
		Artificially irrigated areas, which would rev	ert to unland	if the	imigation asset] .
		Artificial lakes and ponds created by excava	ing and/and	11 tile	anigation ceased.	
		retain water and which are used and policient	ung and/or d	iking	dry land to collect and	
		retain water and which are used exclusively rice growing.	or such purp	oses	as stock watering, irrigation, set	tling basins, or
		rice growing.				
		Artificial reflecting or swimming pools or ot	her small orr	amer	ntal bodies of water created	
		by excavating and/or diking dry land to retain	n water for n	rimar	rily aesthetic reasons	
		water-filled depressions created in dry land	incidental to	const	fliction activity and nits except	d in dry land for
		the purpose of obtaining fill, sand, or gravel	unless and m	ntil th	e construction or excavation one	ration is
		abandoned and the resulting body of water m	eets the defi	nition	of wotons of the Heiter 1 Control	Tation is
		328.3(a).	dels the deli	muon	for waters of the United States f	ound at 33 CFR
		Isolated, intrastate wetland with no nexus to				•
	Ħ	Prior converted ground as determined by the	interstate cor	nmer	ce.	
	سا	Prior converted cropland, as determined by the	ne Natural Ro	esour	ces Conservation Service. Expla	n rationale:
	П	Non-tidal desires and the state of				
	H	Non-tidal drainage or irrigation ditches excav	ated on dry	land.	Explain rationale:	
	ш	Other (explain):				
					•	
DATA F	REVIEV	ED FOR JURSIDICTIONAL DETERMI	VATION (m	ark a	all that apply):	
	maps,	plans, plots or plat submitted by or on behalf c	f the applica	nt	опис ирр.у /.	
	Data sh	eets prepared/submitted by or on behalf of the	annlicant			
***************************************	☐ Th	s office concurs with the delineation report, d	1 -		41 /·	
	□ Th	s office does not concur with the delineation	aleu ,	prepa	red by (company):	
	Data sh	eets prepared by the Corps.	eport, dated		, prepared by (company):	
	Come'	cets prepared by the Corps.				
275	Corps	navigable waters' studies:				
	U.S. G	ological Survey Hydrologic Atlas:				
<u> </u>	U.S. Ge	ological Survey 7.5 Minute Topographic map	s: Trintiv Ea	st		
	U.S. Ge	ological Survey 7.5 Minute Historic quadrang	les:			
	U.S. Ge	ological Survey 15 Minute Historic quadrang	ac:			
5	USDA T	Natural Resources Conservation Service Soil				
m	Nationa	wetlands inventory maps:	ourvey.			
270	State/I	col worland inventory maps.				
	DIAIC/L	cal wetland inventory maps:				
	FEMA/	FIRM maps (Map Name & Date):				
	100-yea	r Floodplain Elevation is: (NGVD)				
	Aerial P	hotographs (Name & Date):				
	Other pl	otographs (Date):				
	Advance	d Identification Wetland maps:				
	Site vici	determination conducted on:				
	Applied	ple/supporting case law:				
ā	Other :-	formation (along reaction)				
	Outer in	formation (please specify):				
			1			1

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

JURISDICTIONAL DETERMINATION U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG FILE NUMBER: 23888	
PROJECT LOCATION INFORMATION: State: TEXAS County: BRAZORIA Center coordinates of site (latitude/longitude): UTM (NAD 27): Z 15, 247623 E, 3195756 N Approximate size of area (parcel) reviewed, including uplands: 0.01 acres. Name of nearest waterway: CEDAR LAKE CREEK Name of watershed: 12090402	
JURISDICTIONAL DETERMINATION Completed: Desktop determination Site visit(s) Date: 12/14/05 Date(s):	
Jurisdictional Determination (JD):	
Preliminary JD - Based on available information, there appear to be (or) there appear to be no waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealab (Reference 33 CFR part 331).	
Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:	
There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) with the reviewed area. Approximate size of jurisdictional area:	hin
There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:	
There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of Jurisdiction.	No
BASIS OF JURISDICTIONAL DETERMINATION:	
A. Waters defined under 33 CFR part 329 as "navigable waters of the United States": The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.	in
B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States": (1) The presence of waters, which are currently used, or were used in the interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. (2) The presence of other waters including interstate wetlands. (3) The presence of other waters such as introducts lakes givers greens (including intermittent streams) mudflats.	
sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply): (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.	
(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. (iii) which are or could be used for industrial purposes by industries in interstate commerce. (4) Impoundments of waters otherwise defined as waters of the US. (5) The presence of a tributary to a water identified in (1) – (4) above. (6) The presence of territorial seas. (7) The presence of wetlands adjacent ² to other waters of the US, except for those wetlands adjacent to other wetlands.	nds.
Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody coul affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Cedar Lake Creek is a natural tributary that is subject to the ebb and flow of tide and intersects the Gulf Intracoastal Waterway at its southernmost point.	on ld

		FILE NUMBER: 23888
La 🗔	teral Extent of Jurisdiction: (Reference: 33 CFR particularly High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other:	ts 328 and 329) High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other: AS STATED BY APPLICANT
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical marking	s; vegetation lines/changes in vegetation types
	Wetland boundaries, as shown on the attached wetla	nd delineation map and/or in a delineation report prepared by:
Bas	United States: Waste treatment systems, including treatment Artificially irrigated areas, which would reverse Artificial lakes and ponds created by excavating retain water and which are used exclusively rice growing. Artificial reflecting or swimming pools or off by excavating and/or diking dry land to retain Water-filled depressions created in dry land the purpose of obtaining fill, sand, or gravely abandoned and the resulting body of water made 328.3(a). Isolated, intrastate wetland with no nexus to	basis of 33 CFR part 328.3(a)(3). at the following waters present on the site are not waters of the to ponds or lagoons, pursuant to 33 CFR part 328.3. It to upland if the irrigation ceased. In gand/or diking dry land to collect and for such purposes as stock watering, irrigation, settling basins, or the small ornamental bodies of water created water for primarily aesthetic reasons. Incidental to construction activity and pits excavated in dry land for unless and until the construction or excavation operation is eets the definition of waters of the United States found at 33 CFR interstate commerce. In Natural Resources Conservation Service. Explain rationale:
	EVIEWED FOR JURSIDICTIONAL DETERMINATION Maps, plans, plots or plat submitted by or on behalf of the Data sheets prepared/submitted by or on behalf of the This office concurs with the delineation report, of This office does not concur with the delineation in Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic map U.S. Geological Survey 15 Minute Historic quadrang U.S. Geological Survey 15 Minute Historic quadrang USDA Natural Resources Conservation Service Soil National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Other photographs (Date): AS SUBMITTED BY API Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law:	f the applicant. applicant. ated , prepared by (company): report, dated , prepared by (company): s: CEDAR LAKES WEST les: les: Survey:

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

Other information (please specify):

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent

X

U.S. Army Corps of Engineers **DISTRICT OFFICE: CESWG** FILE NUMBER: 23919 PROJECT LOCATION INFORMATION: State: **TEXAS** County: **MATAGORDA** Center coordinates of site (latitude/longitude): UTM (NAD 27): Z 14, 785820 E, 3167697 N Approximate size of area (parcel) reviewed, including uplands: 23.9 acres. Name of nearest waterway: EAST MATAGORDA BAY Name of watershed: 12090401 JURISDICTIONAL DETERMINATION Completed: Desktop determination Date: 12/14/05 Date(s): Site visit(s) Jurisdictional Determination (JD): Freliminary JD - Based on available information, \square there appear to be (or) \square there appear to be no waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331). Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply: There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction. BASIS OF JURISDICTIONAL DETERMINATION: A. Waters defined under 33 CFR part 329 as "navigable waters of the United States": The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States": (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. (2) The presence of interstate waters including interstate wetlands¹. (2) The presence of interstate waters including interstate wedlands.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply) (i) which are or could be used by interstate or foreign travelers for recreational or other purposes. (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. (iii) which are or could be used for industrial purposes by industries in interstate commerce.

(5) The presence of a tributary to a water identified in (1) - (4) above. (6) The presence of territorial seas. (7) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands.

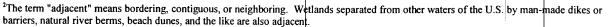
(4) Impoundments of waters otherwise defined as waters of the US.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the retionale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: The project site is located in Matagorda Baly, a navigable waterway that is subject to the ebb and flow of tide.

2 FILE NUMBER: 23919 Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: High Tide Line indicated by: clear, natural line impressed on the bank oil or scum line along shore objects the presence of litter and debris fine shell or debris deposits (foreshore) changes in the character of soil physical markings/characteristics destruction of terrestrial vegetation tidal gages shelving other: AS STATED BY APPLICANT other: Mean High Water Mark indicated by: survey to available datum; physical markings; vegetation lines/changes in vegetation types Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: **Basis For Not Asserting Jurisdiction:** The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf φf the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: PALACIOS SOUTHEAST, TEXAS U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date):

Other photographs (Date):

Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):





Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

U.S. Army Corps of Engineers

DISTRICT OF	
FILE NUMBEI	
PROJECT LO	CATION INFO
State:	TEXAS
	1 1071710

CORMATION:

Center coordinates of site (latitude/longitude):

UTM (NAD 27): Z 15, 239999 E, 3187371 N

Approximate size of area (parcel) reviewed, including uplands: 0.02 acres.

Name of nearest waterway: CANEY CREEK

Name of watershed: 12090402

JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)

Date: 12/14/05

Date(s):

Jurisdictional Determination (JD):

Preliminary JD - Based on available information,					
 United States" and/or "navigable waters of the United	States" on	the project s	ite. A pre	liminary JD	is not appealable
(Reference 33 CFR part 331).					

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated glidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands¹.

(2) The presence of interstate waters including interstate wettaines.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply)

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) - (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Caney Creek is a natural tributary that is subject to the ebb and flow of tide. The Creek intersects the Gulf Intracoastal Waterway at its southernmost point.

FILE NUMBER: 23922 Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: High Tide Line indicated by: clear, natural line impressed on the bank oil or scum line along shore objects the presence of litter and debris fine shell or debris deposits (foreshore) changes in the character of soil physical markings/characteristics destruction of terrestrial vegetation ☐ tidal gages shelving other: AS STATED BY APPLICANT other: Mean High Water Mark indicated by: survey to available datum; physical markings; vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: **Basis For Not Asserting Jurisdiction:** The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. \Box Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. ☐ This office concurs with the delineation report, dated , prepared by (company): ☐ This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: SARGENT, TEXAS U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Other photographs (Date): AS SUBMITTED BY APPLICANT Advanced Identification Wetland maps: Site visit/determination conducted on:

Applicable/supporting case law: Other information (please specify):

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-rhade dikes or barriers, natural river berms, beach dunes, and the like are also adjacent

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG FILE NUMBER: D-12863/1	
PROJECT LOCATION INFORMATION: State: Texas County: Harris Center coordinates of site (latitude/longitude): Lat: 29-36-8.0643 N Long: 95-17-32.3390 W Approximate size of area (parcel) reviewed, including uplands: 12.8 acres. Name of nearest waterway: Clear Creek Name of watershed: West Galveston Bay	
JURISDICTIONAL DETERMINATION Completed: Desktop determination Date 3 January 2006 Site visit(s) Date(s):	
Jurisdictional Determination (JD):	
Preliminary JD - Based on available information, \(\subseteq \text{there appear to be (or)} \subseteq \text{there appear to be n} \) United States" and/or "navigable waters of the United States" on the project site. A preliminary JD i (Reference 33 CFR part 331).	o "waters of the s not appealable
Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:	
There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated the reviewed area. Approximate size of jurisdictional area:	guldance) within
☐ There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance reviewed area. Approximate size of jurisdictional area: unknown.) within the
☐ There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. ☐ Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Deformation.	etermination of No
BASIS OF JURISDICTIONAL DETERMINATION: A. Waters defined under 33 CFR part 329 as "navigable waters of the United States": The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or he past, or may be susceptible for use to transport interstate or foreign commerce.	ave been used in
 Waters defined under 33 CFR part 328.3(a) as "waters of the United States": (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide (2) The presence of interstate waters including interstate wetlands. (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent strea sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, d destruction of which could affect interstate commerce including any such waters (check all that apple (i) which are or could be used by interstate or foreign travelers for recreational or other purpose 	ms), mudflats, legradation or y):
(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce (iii) which are or could be used for industrial purposes by industries in interstate commerce. (4) Impoundments of waters otherwise defined as waters of the US. (5) The presence of a tributary to a water identified in (1) – (4) above. (6) The presence of territorial seas. (7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent	e.
Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the water or wetland is not itself a navigable water of the United States, describe connection(s) to the downs	jurisdictional tream navigable

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the Jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Wetland has a hydrologic surface connection to Clear Creek, a navigable water of the United States.

		FILE NUMBER: D-12863/
Lat	eral Extent of Jurisdiction: (Reference: 33 CFR parts Ordinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other:	328 and 329) High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
3	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings;	vegetation lines/changes in vegetation types.
×	Wetland boundaries, as shown on the attached wetland	delineation map and/or in a delineation report prepared by:
Bas	United States: Waste treatment systems, including treatment Artificially irrigated areas, which would revert Artificial lakes and ponds created by excavating retain water and which are used exclusively for rice growing. Artificial reflecting or swimming pools or other by excavating and/or diking dry land to retain Water-filled depressions created in dry land in the purpose of obtaining fill, sand, or gravel ure abandoned and the resulting body of water mere 328.3(a). Isolated, intrastate wetland with no nexus to in	asis of 33 CFR part 328.3(a)(3). It the following waters present on the site are not Waters of the ponds or lagoons, pursuant to 33 CFR part 328.3. It to upland if the irrigation ceased. It g and/or diking dry land to collect and r such purposes as stock watering, irrigation, settling basins, or r small ornamental bodies of water created water for primarily aesthetic reasons. It cidental to construction activity and pits excavated in dry land for less and until the construction or excavation operation is ets the definition of waters of the United States found at 33 CFR terstate commerce. Natural Resources Conservation Service Explain rationale:
DATA I	Other (explain): REVIEWED FOR JURSIDICTIONAL DETERMIN Maps, plans, plots or plat submitted by or on behalf of Data sheets prepared/submitted by or on behalf of the This office concurs with the delineation report, da This office does not concur with the delineation reduction of Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps U.S. Geological Survey 7.5 Minute Historic quadrang U.S. Geological Survey 15 Minute Historic quadrang USDA Natural Resources Conservation Service Soil S National wetlands inventory maps: State/Local wetland inventory maps:	ATION (mark all that apply): the applicant. applicant. ted February 2005, prepared by (company): Corrigan Consulting port, dated , prepared by (company): s: Pearland, Tex. Photorevised 1982 les: es: survey: ty Flood Insurance Rate Map 1035 of 1135 dated 20 April 2000

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. We lands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG	
FILE NUMBER:	ı

ひっしゃりそン

PROJECT LOCATION INFORMATION	DD <i>C</i>	TECT I	OCATION	INFORMATION:
------------------------------	-------------	--------	---------	--------------

State:

Texas

County:

Galveston

Center coordinates of site (latitude/longitude):

Approximate size of area (parcel) reviewed, including uplands: 0.5 acres.

Name of nearest waterway: Galveston County Drainage Ditch

Galveston Bay Name of watershed:

JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Date: 3 January 2006

Date(s):

Jurisdictional Determination (JD):

Site visit(s)

NOVOCCS	Preliminary JD - Based on available information, \(\subseteq 1 \) United States" and/or "navigable waters of the United (Reference 33 CFR part 331).	here appear to be (or) the States" on the project site.	nere appear to be no " A preliminary JD is n	waters of the ot appealable
---------	---	--	---	-----------------------------

Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands¹.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply)

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) - (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination. The open water area was exavated from uplands to create the Texas City Levee.

FILE NUMBER: D-18082

La	teral Extent of Jurisdiction: (Reference: 33 CFR p Ordinary High Water Mark indicated by:	arts 328 and 329) High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markin	gs; vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wet	and delineation map and/or in a delineation report prepared by:
DATA R	United States: Waste treatment systems, including treatmed Artificially irrigated areas, which would revalue Artificial lakes and ponds created by excavaretain water and which are used exclusively rice growing. Artificial reflecting or swimming pools or on by excavating and/or diking dry land to retall Water-filled depressions created in dry land the purpose of obtaining fill, sand, or gravel abandoned and the resulting body of water in 328.3(a). Isolated, intrastate wetland with no nexus to	that the following waters present on the site are not waters of the not ponds or lagoons, pursuant to 33 CFR part 328.3. For to upland if the irrigation ceased. It is an analysis and/or diking dry land to collect and for such purposes as stock watering, irrigation, settling basins, or ther small ornamental bodies of water created in water for primarily aesthetic reasons. Incidental to construction activity and pits excavated in dry land for unless and until the construction or excavation operation is neets the definition of waters of the United States found at 33 CFR interstate commerce. The Natural Resources Conservation Service. Explain rationale: INATION (mark all that apply): of the applicant. dated , prepared by (company): report, dated , prepared by (company): ps: Virginia Point gles: ples:
	State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):	

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent

	U.S. Army Corps of Engineers	
	CT OFFICE: CESWG UMBER: 24031	
State Cou Cen App Nam		
	ICTIONAL DETERMINATION npleted: Desktop determination	
Juri	isdictional Determination (JD):	
	Preliminary JD - Based on available information, there appear to be (or) there appear to be no 'United States' and/or 'navigable waters of the United States' on the project site. A preliminary JD is n (Reference 33 CFR part 331).	
	Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:	
	There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated gut the reviewed area. Approximate size of jurisdictional area:	idance) within
	There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) were reviewed area. Approximate size of jurisdictional area:	ithin the
	There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Deter Jurisdiction.	mination of N
BASIS O	OF JURISDICTIONAL DETERMINATION:	
	Waters defined under 33 CFR part 329 as "navigable waters of the United States": The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have the past, or may be susceptible for use to transport interstate or foreign commerce.	been used in
B.	Waters defined under 33 CFR part 328.3(a) as "waters of the United States": (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. (2) The presence of interstate waters including interstate wetlands.	use in
Ō	(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degree destruction of which could affect interstate commerce including any such waters (check all that apply): (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.	
3	(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. (iii) which are or could be used for industrial purposes by industries in interstate commerce. (4) Impoundments of waters otherwise defined as waters of the US.	

(7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection

(i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: The project site is a lagoon off of Stephen Creek. Stephen Creek intersects with Lake Livingston. Lake

Livingston is a Section 10 and Section 404 water way.

(6) The presence of territorial seas.

(5) The presence of a tributary to a water identified in (1) - (4) above.

FILE NUMBER: 24031 Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: High Tide Line indicated by: clear, natural line impressed on the bank oil or scum line along shore objects the presence of litter and debris fine shell or debris deposits (foreshore) changes in the character of soil physical markings/characteristics destruction of terrestrial vegetation tidal gages shelving other: other: Mean High Water Mark indicated by: survey to available datum; physical markings; vegetation lines/changes in vegetation types Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: Basis For Not Asserting Jurisdiction: The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Stephen Creek U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law:

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

Other information (please specify):

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

JURISDICTIONAL DETERMINATION U.S.: Army Corps of Engineers

	CT OFFICE: CESWG JMBER: 23980		
State Cou Cen App Nan	nty: Trinity	: 30.57.43 Long: 95.19.17 ands: acres.	
	•	te: 9 January 2006 te(s):	
Juri	sdictional Determination (JD):		
	Preliminary JD - Based on available information, United States" and/or "navigable waters of the Unite (Reference 33 CFR part 331).	there appear to be (or) there appear to be no destates" on the project site. A preliminary JD is the states are the project site.	waters of the not appealable
Ø	Approved JD – An approved JD is an appealable actic Check all that apply:	on (Reference 33 CFR part 331).	
	There are "navigable waters of the United States' the reviewed area. Approximate size of jurisdictional		uidance) within
	There are "waters of the United States" (as defin reviewed area. Approximate size of jurisdictional area.		vithin the
	There are "isolated, non-navigable, intra-state w Decision supported by SWANCO Jurisdiction.	aters or wetlands" within the reviewed area. /Migratory Bird Rule Information Sheet for Dete	rmination of No
Α.	F JURISDICTIONAL DETERMINATION: Waters defined under 33 CFR part 329 as "navigation of the presence of waters that are subject to the ebb and the past, or may be susceptible for use to transport in	flow of the tide and/or are presently used, or hav	e been used in
Rati wate (i.e., affec mak	Waters defined under 33 CFR part 328.3(a) as "w (1) The presence of waters, which are currently used, interstate or foreign commerce, including all waters (2) The presence of interstate waters including inters (3) The presence of other waters such as intrastate lal sandflats, wetlands, sloughs, prairie potholes, wet me destruction of which could affect interstate commercial (i) which are or could be used by interstate or fo	aters of the United States": or were used in the past, or may be susceptible to which are subject to the ebb and flow of the tide. ate wetlands!. ces, rivers, streams (including intermittent streams adows, playa lakes, or natural ponds, the use, dege including any such waters (check all that apply): reign travelers for recreational or other purposes. aken and sold in interstate or foreign commerce. poses by industries in interstate commerce. ters of the US. 1(1) – (4) above. s of the US, except for those wetlands adjacent to (applies to any boxes checked above). If the justed States, describe connection(s) to the downstres, document navigability and/or interstate commer is navigable and/or how the destruction of the way used as the Basis of Jurisdiction, document the red), mudflats, radation or other wetlands. risdictional am navigable ce connection terbody could attionale used to

Lo	taral F	vtont of Inviediations (Defenses 22 CFD	. 200 1200		FILE	NUMBER: 2398
	Ordir	xtent of Jurisdiction: (Reference: 33 CFR panary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris	High	lide Line indicated by:	hore obj	
		changes in the character of soil destruction of terrestrial vegetation shelving		ine shell or debris depo hysical markings/char idal gages ther:		
	Ц	other:				
	Mean ☐ su	High Water Mark indicated by: rvey to available datum; physical marking	s; 🔲 vegetation li	nes/changes in vegetati	on types	
	Wetla	and boundaries, as shown on the attached wetl	and delineation map	and/or in a delineation	n report	prepared by:
Bas	sis For	Not Asserting Jurisdiction: eviewed area consists entirely of uplands.				
	Unabl	e to confirm the presence of waters in 33 CFF quarters declined to approve jurisdiction on the	part 328(a)(1, 2, o	r 4-7).		
	The C	forps has made a case-specific determination t d States:	hat the following w	aters present on the site		
		Waste treatment systems, including treatment Artificially irrigated areas, which would rev	ert to upland if the	irrigation ceased.	art 328.3	.
		Artificial lakes and ponds created by excava retain water and which are used exclusively	ting and/or diking of for such purposes a	Iry land to collect and s stock watering, irriga	tion, set	tling basins, or
		rice growing. Artificial reflecting or swimming pools or of	her small ornament	al bodies of water crea	ted	
		by excavating and/or diking dry land to retain Water-filled depressions created in dry land	n water for primari	ly aesthetic reasons.		ed in dry land for
		the purpose of obtaining fill, sand, or gravel abandoned and the resulting body of water n	unless and until the	construction or excava	tion op	eration is
		328.3(a). Isolated, intrastate wetland with no nexus to			States	ound at 33 CFK
		Prior converted cropland, as determined by t	he Natural Resourc	es Conservation Servic	e. Expla	in rationale:
		Non-tidal drainage or irrigation ditches exca Other (explain):	vated on dry land.	Explain rationale:		
DATA R	EVIEV	VED FOR JURSIDICTIONAL DETERMI	NATION (mark a	ll that apply):		
<u> </u>	Data sl	plans, plots or plat submitted by or on behalf neets prepared/submitted by or on behalf of th	e applicant.			
	☐ Th	is office concurs with the delineation report, or is office does not concur with the delineation	ated , prepar report, dated	ed by (company): prepared by (compan	v)·	
	Data sł	neets prepared by the Corps. navigable waters' studies:	• ,	propagation of (company). 	
	U.S. G	eological Survey Hydrologic Atlas: eological Survey 7.5 Minute Topographic ma	as: Trinity Foot			
	U.S. G	eological Survey 7.5 Minute Historic quadran	gles:			
	USDA	eological Survey 15 Minute Historic quadrang Natural Resources Conservation Service Soil	ies: Survey:			
3.4 2.0 2.0	State/L	al wetlands inventory maps: ocal wetland inventory maps:				
	100-yea	/FIRM maps (Map Name & Date): ar Floodplain Elevation is: (NGVD)				
		Photographs (Name & Date): hotographs (Date):				
	Advanc	ed Identification Wetland maps: it/determination conducted on:				
<u> </u>	Applica	able/supporting case law: information (please specify):				
	Juiei II	morniation (picase specify).				

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

	ICT OFFICE: CESWG NUMBER: 24051		
Si C C A N	ate: Texas bunty: Brazoria County enter coordinates of site (latitude/longitude): 28° pproximate size of area (parcel) reviewed, including uplaame of nearest waterway: Brazos River ame of watershed: HUC Code: 12090401, San Bern		
	ompiece 2 control	e: 09 January 2006 e(s):	
J	urisdictional Determination (JD):		
	Preliminary JD - Based on available information, United States" and/or "navigable waters of the United (Reference 33 CFR part 331).	there appear to be (or) \(\square\) there appear to be no "\(\square\) States" on the project site. A preliminary JD is not be appear to be no "\(\square\)	vaters of the ot appealable
Ē	Approved JD – An approved JD is an appealable action Check all that apply:	on (Reference 33 CFR part 331).	
	There are "navigable waters of the United States' the reviewed area. Approximate size of jurisdictional	(as defined by 33 CFR part 329 and associated gull area:	idance) within
	▼ There are "waters of the United States" (as defined reviewed area. Approximate size of jurisdictional area.	ed by 33 CFR part 328 and associated guidance) wea: 0.77 acre.	ithin the
	There are "isolated, non-navigable, intra-state was Decision supported by SWANCO Jurisdiction.	aters or wetlands" within the reviewed area. C/Migratory Bird Rule Information Sheet for Deter	mination of No
BASI	S OF JURISDICTIONAL DETERMINATION:		
A	Waters defined under 33 CFR part 329 as "navig The presence of waters that are subject to the ebb and the past, or may be susceptible for use to transport in	I flow of the tide and/or are presently used, or have	been used in
-	Waters defined under 33 CFR part 328.3(a) as "v (1) The presence of waters, which are currently used interstate or foreign commerce, including all waters	, or were used in the past, or may be susceptible to which are subject to the ebb and flow of the tide.	use in
	(2) The presence of interstate waters including inters (3) The presence of other waters such as intrastate la sandflats, wetlands, sloughs, prairie potholes, wet m destruction of which could affect interstate commercy (i) which are or could be used by interstate or for (ii) from which fish or shellfish are or could be (iii) which are or could be used for industrial presents.	kes, rivers, streams (including intermittent streams eadows, playa lakes, or natural ponds, the use, degree including any such waters (check all that apply): preign travelers for recreational or other purposes. taken and sold in interstate or foreign commerce.), mudflats, adation or
	 (4) Impoundments of waters otherwise defined as w (5) The presence of a tributary to a water identified (6) The presence of territorial seas. (7) The presence of wetlands adjacent² to other water 	aters of the US. in (1) – (4) above.	other wetlands.
	Rationale for the Basis of Jurisdictional Determinatio	n (applies to any boxes checked above). If the ju	risdictional

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: The project site islocated in wetlands contiguous with and therfore adjacent to the Gulf Intracoastal Waterway a navigable water of the United States that is also subject to the ebb and flow of the tide.

				FILE	UMBER: 2405
La:	teral Extent of Jurisdiction: (Reference: 33 CFR part Ordinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other:	High Ti	de Line indicated by: lor scum line along sh e shell or debris depos ysical markings/charadal al gages her:	its (fore	shore)
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical marking	s; vegetation line	s/changes in vegetatio	n types.	
	Wetland boundaries, as shown on the attached wetla	and delineation map	and/or in a delineation	report p	repared by:
Bas	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR Headquarters declined to approve jurisdiction on the The Corps has made a case-specific determination the United States: Waste treatment systems, including treatment Artificially irrigated areas, which would rever a Artificial lakes and ponds created by excaval retain water and which are used exclusively rice growing. Artificial reflecting or swimming pools or of by excavating and/or diking dry land to retain water-filled depressions created in dry land the purpose of obtaining fill, sand, or gravel abandoned and the resulting body of water made a state of the prior converted cropland, as determined by the	basis of 33 CFR parat the following was the ponds or lagoons, and to upland if the inting and/or diking drawing for such purposes as ther small ornamentan water for primarily incidental to construunless and until the elects the definition of interstate commerce the Natural Resource	tr 328.3(a)(3). ters present on the site pursuant to 33 CFR pa rigation ceased. y land to collect and stock watering, irrigat l bodies of water creat aesthetic reasons. ction activity and pits construction or excava f waters of the United . s Conservation Service	rt 328.3 ion, sett ed excavate tion ope States fo	ling basins, or ad in dry land for ration is pund at 33 CFR
	Non-tidal drainage or irrigation ditches excar Other (explain):	vated on dry land. E	kplain rationale:		
M	Maps, plans, plots or plat submitted by or on behalf of the Data sheets prepared/submitted by or on behalf of the This office concurs with the delineation report, of This office does not concur with the delineation Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic may U.S. Geological Survey 7.5 Minute Historic quadrant U.S. Geological Survey 15 Minute Historic quadrant U.S. Geological Survey 15 Minute Historic quadrant USDA Natural Resources Conservation Service Soil National wetlands inventory maps: Jones Creek, Tex State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):	of the applicant. e applicant. dated , prepare report, dated , ps: Jones Creek, Tex gles: stes: \$ survey:	d by (company): prepared by (company	<i>(</i>):	

139

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent

JURISDICTIONAL DETERMINATION U.S. Army Corps of Engineers

		CT OFFICE: CESWG MBER: 24052	
S C C A	tate Cour Cent Appr Vam	nty: Offshore Willacy County	ude 26° 31' 31"N; Longitude 97° 09' 21"W (NAD 27) nds: 40 acres.
		CTIONAL DETERMINATION upleted: Desktop determination	: 9 January 2006 (s):
J	luri	sdictional Determination (JD):	
	3	Preliminary JD - Based on available information, $\Box t$	here appear to be (or) there appear to be no "waters of the States" on the project site. A preliminary JD is not appealable
I		Approved JD – An approved JD is an appealable action Check all that apply:	n (Reference 33 CFR part 331).
		☑ There are "navigable waters of the United States" the reviewed area. Approximate size of jurisdictional	(as defined by 33 CFR part 329 and associated guidance) within area:
		☑ There are "waters of the United States" (as define reviewed area. Approximate size of jurisdictional are	d by 33 CFR part 328 and associated guidance) within the a:
		There are "isolated, non-navigable, intra-state was Decision supported by SWANCC Jurisdiction.	ters or wetlands" within the reviewed area. /Migratory Bird Rule Information Sheet for Determination of No
BASI	S C	OF JURISDICTIONAL DETERMINATION:	
	A .	Waters defined under 33 CFR part 329 as "naviga	flow of the tide and/or are presently used, or have been used in
	B. ⊠	Waters defined under 33 CFR part 328.3(a) as "wa (1) The presence of waters, which are currently used, interstate or foreign commerce, including all waters w	or were used in the past, or may be susceptible to use in
		(2) The presence of interstate waters including interst. (3) The presence of other waters such as intrastate lak	ate wetlands¹. es, rivers, streams (including intermittent streams), mudflats, adows, playa lakes, or natural ponds, the use, degradation or including any such waters (check all that apply): eign travelers for recreational or other purposes. aken and sold in interstate or foreign commerce.
		(4) Impoundments of waters otherwise defined as wat(5) The presence of a tributary to a water identified in(6) The presence of territorial seas.	ers of the US.
	wat wat (i.e.	er or wetland is not itself a navigable water of the Univers. If B(1) or B(3) is used as the Basis of Jurisdiction discuss site conditions, including why the waterbody	(applies to any boxes checked above). If the jurisdictional ted States, describe connection(s) to the downstream navigable, document navigability and/or interstate commerce connection is navigable and/or how the destruction of the waterbody could used as the Basis of Jurisdiction, document the rationale used to

to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

		2		:
		_		FILE NUMBER: 24052
Lat	eral Extent of Jurisdiction: (Reference: 33 CFR part	s 328 and 329)		FILE NUMBER: 24032
	Ordinary High Water Mark indicated by:		de Line indicated by:	
	clear, natural line impressed on the bank		or scum line along sh	ore objects
	the presence of litter and debris		shell or debris depos	
	changes in the character of soil		vsical markings/charae	
	destruction of terrestrial vegetation		al gages	
	shelving	☐ otl	ter:	
	other:			
П	Moon High Water Morte in diseased how			
L	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings	U vocatation line	n/ahomooo in waastatia	
	survey to available datum, physical markings	vegetation fine	s/changes in vegetatio	n types.
	Wetland boundaries, as shown on the attached wetlar	d delineation man	and/or in a delineation	report prepared by:
	,			
Bas	is For Not Asserting Jurisdiction:			
	The reviewed area consists entirely of uplands.			
	Unable to confirm the presence of waters in 33 CFR			
H	Headquarters declined to approve jurisdiction on the	basis of 33 CFR par	t 328.3(a)(3).	C.1
	The Corps has made a case-specific determination th United States:	at the following was	ers present on the site	are not waters of the
	Waste treatment systems, including treatment	nonds or lagoons	Nursuant to 33 CFR na	rt 328 3
	Artificially irrigated areas, which would rever			11 320.3
	Artificial lakes and ponds created by excavati			
	retain water and which are used exclusively for	or such purposes as	stock watering, irrigat	ion, settling basins, or
	rice growing.			
	Artificial reflecting or swimming pools or oth			ed
	by excavating and/or diking dry land to retain			
	Water-filled depressions created in dry land in			
	the purpose of obtaining fill, sand, or gravel u abandoned and the resulting body of water me			
	328.3(a).	cts the definition of	waters of the Officer	States Ibuild at 33 CFK
	Isolated, intrastate wetland with no nexus to i	nterstate commerce		
	Prior converted cropland, as determined by th			. Explain rationale:
	Non-tidal drainage or irrigation ditches excav	ated on dry land. E	xplain rationale:	
	Other (explain):			
DATA R	EVIEWED FOR JURSIDICTIONAL DETERMIN	NATION (mark all	that anniv).	
	Maps, plans, plots or plat submitted by or on behalf of		inac appry).	
	Data sheets prepared/submitted by or on behalf of the			
	This office concurs with the delineation report, d		d by (company):	
	This office does not concur with the delineation in	eport, dated ,	prepared by (company	y):
I I	Data sheets prepared by the Corps.			
A	Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas:			
H	U.S. Geological Survey 7.5 Minute Topographic map	g.		
H	U.S. Geological Survey 7.5 Minute Historic quadrang			
Ħ	U.S. Geological Survey 15 Minute Historic quadrang			
	USDA Natural Resources Conservation Service Soil			
	National wetlands inventory maps:	· ·		
	State/Local wetland inventory maps:			
	FEMA/FIRM maps (Map Name & Date):			
	100-year Floodplain Elevation is: (NGVD)			
	Aerial Photographs (Name & Date): Other photographs (Date):			
H	Advanced Identification Wetland maps:			
日	Site visit/determination conducted on:			
靣	Applicable/supporting case law:			
X	Other information (please specify): Outer Continental	Shelf, Gulf of Mex	ico	

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.